

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

07-CR-193-A

v.

NOTICE OF UNOPPOSED MOTION

VEDRAN ZAVISIC,

Defendant.

UNOPPOSED MOTION BY:

Phillips Lytle LLP, by Timothy W. Hoover, counsel for Defendant Vedran Zavisic.

DATE/TIME/HEARING:

Before The Honorable H. Kenneth Schroeder, Jr., United States Magistrate Judge, United States District Court, Western District of New York, United States Courthouse, 2 Niagara Square, Buffalo, NY 14202, on the papers.

SUPPORTING PAPERS:

Attached unopposed motion of Timothy W. Hoover, dated December 13, 2012.

RELIEF REQUESTED:

Entry of an amended scheduling order.

**WAS CONSENT OF OPPOSING
COUNSEL SOUGHT?:**

Yes.

**WAS CONSENT OF OPPOSING
COUNSEL OBTAINED?:**

Yes.

PROPOSED ORDER PROVIDED?:

Yes – via electronic mail to
schroeder@nywd.uscourts.gov.

(Notice of motion continued on page ii . . .)

(. . . Notice of motion continued from page i.)

DATED:

Buffalo, New York, December 13, 2012

PHILLIPS LYTLE LLP

/s/Timothy W. Hoover

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

07-CR-193-A

v.

VEDRAN ZAVISIC,

**DEFENDANT'S UNOPPOSED
MOTION FOR ENTRY OF AN
AMENDED SCHEDULING ORDER**

Defendant.

Defendant Vedran Zavisic moves the Court to enter an amended scheduling order, with an adjustment of each current due date for approximately eight weeks, for the reasons set forth below.

At the conclusion of the detention hearing on September 28, 2012 (Minute Entry for Sep. 28, 2012 (Docket #N/A (Sep. 28, 2012))), the Court set a case schedule for the filing of motions, which it memorialized in a scheduling order (Docket #5 (Sep. 28, 2012)). Motions are presently due on December 14, 2012.

Since the last court appearance, the parties have undertaken a variety of efforts to allow them to proceed to motions and to litigate the matter, if necessary, while assessing whether a resolution can be reached. Specifically, a) counsel have met several times to discuss the matter and have discussed the matter by phone; b) Defendant has requested various discovery items; c) the government has provided various discovery items; d) the government is reviewing and will address the various items requested by Defendant that remain outstanding; e) defense counsel has researched the availability of various motions, including a motion to dismiss, and has begun preparing the same, and has requested items from the government as described above based on

that work; and, f) the parties have discussed resolving the matter without the need to litigate motions or proceed to trial. In addition to the fact that the case remains in the discovery phase and requested items of discovery relate to the motion/s to be pursued, the case involved extradition proceedings and events occurring in 2006. In addition, the parties will continue to explore a resolution. As such, an amendment of the schedule is justified and supported by good cause. We jointly submit that an extension of the operative dates for a period of eight weeks, with oral argument to be rescheduled, is appropriate.

Counsel for the government joins the motion and does not oppose the motion or the entry of an amended scheduling order.

This is the first such motion. No additional motions to amend the scheduling order are presently anticipated.

While Defendant has asserted, and continues to assert, his rights to a speedy trial, given the above, all parties consent to the exclusion of time for Speedy Trial Act purposes, from December 14, 2012 to the date of the rescheduled oral argument, as is reflected in the proposed order that is being provided to the Court.

For all these reasons, we request that the Court grant the motion and enter an order accordingly.

DATED: Buffalo, New York
December 13, 2012

Respectfully submitted,

PHILLIPS LYTLE LLP

/s/Timothy W. Hoover

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v.

CERTIFICATE OF SERVICE

VEDRAN ZAVISIC,

Defendant.

The undersigned certifies that a copy of the foregoing was served on the following, by the means indicated, on December 13, 2012:

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